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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5011 of 2007

PETITIONER

Sudarshan Bagarti, Aged - 45 years,
S/o. Late Yogeshwar Bagarti, Working
as - Environmental & Training Expert,
At - Chhattisgarh Rural Poverty
Reduction Project, Unit - Saraipali,
Distt. - Mahasamund, R/o. Saraipali,
District - Mahasamund (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through The Secretary, Department of Panchayat & Rural Development, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Project Director, Chhattisgarh Rural Poverty Reduction Project, (Nava Anjore) H.Q. - S/18, Rajiv Nagar, Raipur (C.G.)
3. Chief Executive Officer, Janpad Panchayat, Saraipali, District - Mahasamund (C.G.)

Writ Petition Under Article 226 of the Constitution of India.

Appearance:

Shri R.K. Kesharwani, counsel for the petitioner.

Shri Yashwant Singh, Govt. Advocate for the State/respondents.

ORAL ORDER
(03.09.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is presently working on the post of Environmental & Training Expert, has been transferred from *Janpad Panchayat, Saraipali, District Mahasamund* to *Janpad Panchayat, Manpur, District Rajnandgaon* on administrative grounds.

Learned counsel for the petitioner argues that the post held by the petitioner is a post on which, he was sent on deputation and the post on which, he has been transferred does not appear to be a post in the branch of concerned project, where he was sent on deputation, therefore, without repatriation of the petitioner to the parent department or without consent of the petitioner, this order of transfer should not have been passed. He refers to the earlier order dated 18.8.2006, by which the petitioner was sent on deputation to the *Chhattisgarh Gramin Garibi Unmulan Project*.

A perusal of the earlier order and the impugned order would show that the petitioner has been shown to be transferred from *Janpad Panchayat, Saraipali, District Mahasamund*, substantially holding the post of the Assistant Development Extension Officer. The impugned order has been passed by the Government and presently, the petitioner has been transferred from the post of Assistant Development Extension Officer, *Janpad Panchayat, Saraipali* to *Janpad Panchayat, Manpur, District Rajnandgaon*.

Even assuming that the earlier order was an order on deputation, and the second order is the order passed by the Government regarding transfer without expressly passing an order of repatriation, that shall be merely a technical irregularity which shall not be effective on merits of the order in any manner, as no consent is required in law for passing such an order.

This is a simple order of transfer, which cannot be interfered unless the same is shown to be vitiated by malafide or extraneous consideration or is against any statutory Rules or Act.

I do not find any reason to interfere in the order passed by the Government. The petition has no merits and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge